

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of November 3, 2011

Members in Attendance

Gregory Sirb, Vice Chair
Jeffrey Staub
Sara Jane Cate
David Dowling

Also in Attendance

James Turner, Solicitor
Dianne Moran, Planning & Zoning Officer

Docket #1301

Applicant: CoreStates Group
379 Campus Drive, Suite 150, Somerset NJ 08873

Owner: Sheetz Inc.
5700 Sixth Avenue, Altoona, PA 16602

Property: 2300 Colonial Road

Interpretation: The maximum permitted area of a canopy sign at a service station
is 25 square feet per side.
Applicant proposes 51.46 square feet on canopy sign #1

Roof signs are prohibited.
The applicant proposes a sign that projects above the roof line of
the canopy.

Grounds: Section 714.A Permanent Signage, Section 709.A, Prohibited Signs,
402.A.10.g, Auto Service Station, of the Lower Paxton Township
Zoning Ordinance pertain to this application.

Fees Paid: September 30, 2011

Property Posted: October 26, 2011

Advertisement: Appeared in The Paxton Herald on October 19 & 26, 2011

The hearing began at 7:00 pm.

Mr. Sirb stated it is customary for the Board to enter as exhibits the application and site
plans. The applicants had no objection to its doing so.

The following were sworn in: James Lalli, Senior Project Architect for CoreStates Group, 379 Campus Drive, Suite 150, Somerset NJ 08873; and Dianne Moran, Planning & Zoning Officer.

Mr. Lalli stated this Sheetz site is undergoing a major renovation, inside and outside, and this includes a canopy outside to cover the entrance of the store and some outdoor seating. The sign on the front of the canopy is 51.46 square feet, and the smaller sign will be 16 square feet, and will basically sit on top of the canopy. The reason for the signs is to identify the building. This building sits very low on the site, with the building to the back and the gas canopy to the front. The signs will identify the building to vehicles, and will be especially helpful for those traveling north on Colonial Road. They are trying to make the site more attractive to customers. Sheetz considers themselves a pioneer in this type of business, and they want to advertise the food and identify themselves.

Mr. Lalli stated the canopy is completely detached from the building, but it does incorporate itself into the side of the building.

Mr. Dowling stated the Board is very familiar with the site, and asked the applicant to help him relate the drawing to the current conditions of the Sheetz site. Mr. Lalli indicated on the drawing which side of the building faces Colonial Road, and which side faces Linglestown Road. He explained that the building will be essentially the same, but a little bit bigger on the one side. The biggest change will be to separate the gas and food operations.

Ms. Cate asked about lighting for the signs. Mr. Lalli stated there may be a light to shine on them, but they are not internally illuminated. He explained that Sheetz is looking for a new look and to identify themselves with their new corporate brand. The proposed signage will incorporate that into this site.

Mr. Lalli stated there are two smaller non-illuminated signs on the building, 21 square feet and 16 square feet, which are not in question; you will not see those signs until you are well into the site.

Mr. Sirb asked if this use is classified as an auto service station simply because it is a gas station/convenience store, regardless of how much food they sell. Ms. Moran stated that is correct. Mr. Lalli stated there is no service performed on vehicles, only the selling of fuel.

Mr. Dowling asked how this site compares to other Sheetz in the state. Mr. Lalli did not know.

Mr. Staub stated that section 402.A states that if they chose to have a canopy sign, they have to give up a freestanding sign. Ms. Moran stated that is correct, and this site is entitled to one more freestanding sign, for Colonial Road. Mr. Staub did not recall having an issue similar to this with more than one canopy. He questioned if they are permitted to even have signage on another canopy, since the existing canopy has signage on it. Ms. Moran stated that a canopy is permitted to have two signs. Mr. Staub stated the ordinance does not seem to recognize a

property having more than one canopy. She suggested if there were four canopies, they could each have two signs, since the ordinance does not say they cannot.

Mr. Lalli stated that the wall signage allowed is much greater than the proposed signage for the canopy. If the signs were on the wall instead of the canopy they could be much larger. The canopy is almost a part of the façade, but technically it isn't. Ms. Cate asked if these signs would be permissible on the building. Ms. Moran stated that based on the small wall signs they have now, she believed they would be allowed without a variance, and probably a much bigger sign than what is proposed. She added that they would be permitted two wall signs on two walls, totaling four wall signs.

Mr. Sirb asked if the canopy would cover the outside dining. Mr. Lalli stated the canopy will cover the entrance and most of the dining. The purpose is really to cover the entrance to the building.

Mr. Sirb asked how big the dining area is. Mr. Lalli stated it has four tables. Ms. Cate asked about inside dining. Mr. Lalli didn't think there would be any inside dining, only food service and convenience shopping.

Mr. Staub commented that the "fresh food made to order" sign on the canopy is unique, and the only time such a sign was granted was the coffee shop in Linglestown. He is not sure it is a good idea to set precedence. Ms. Cate agreed.

Mr. Sirb stated this site has to be one of the most well known pieces of property in Lower Paxton Township; everybody knows where Sheetz is. Ms. Cate agreed, and suggested all the signs are not needed. Mr. Sirb asked if Sheetz is granted the canopy sign, would they still be permitted to have more wall signs. Ms. Moran answered yes.

Mr. Dowling suggested the "made to order" sign could be just as useful on the wall. Mr. Staub agreed, and suggested if it is not critical to locate it on the canopy, to put it on the wall.

Ms. Cate stated that most people drive looking forward, not up in the air. It makes more sense to put a sign lower than higher.

Mr. Lalli stated that he is not familiar with the area, and he suggested that a higher sign would help someone find it. The red color is what he noticed first. Mr. Dowling noted that the red color of Sheetz is enough for anybody to know they are at a Sheetz.

Mr. Dowling asked if any stores around this area have a similar sign. Mr. Lalli stated that there may be one in York.

Mr. Staub suggested if they grant the variance for sign #1 on the new canopy, they would not be permitted to have another freestanding sign, according to the ordinance. Ms. Moran stated they would be permitted to have another canopy sign, but not a freestanding sign on Colonial Road.

Mr. Turner suggested the Board consider, if it were inclined to grant the variance for the canopy sign, limiting the square footage of other wall signage.

Mr. Sirb asked if the applicant installs a canopy sign, are they not allowed to have another freestanding sign. Ms. Moran agreed they would be allowed one or the other.

Mr. Sirb called for comments from the audience. There were none.

Mr. Sirb asked if the Township has a position on the application. Ms. Moran answered no.

Mr. Staub made a motion to grant the variance request for canopy sign #1; and deny variance request for sign #2, and condition the variance on limiting the wall signage to what is shown on the plan submitted with the application. Mr. Sirb asked if they could limit the wall signage to what is there, but on Colonial Road. He did not think they needed any further wall signs on Linglestown Road. Mr. Staub stated the drawing shows the MTO sign on the Colonial Road side of the building, and he was fine with that sign. Mr. Dowling asked Mr. Staub to clearly identify sign #1. Mr. Staub stated that sign #1 is the canopy sign "Sheetz". Mr. Dowling stated there are two of those. Mr. Staub stated that sign #1 is the one that faces the corner, and Mr. Sirb stated it is the one that is 51.46 square feet. Mr. Turner stated the plan includes one marked front "elevation" and one marked "solarium". Mr. Lalli stated they are the same sign. Mr. Dowling stated the motion is for the Sheetz sign and not the "Made to Order" sign. Mr. Staub stated that is correct. Mr. Dowling suggested the issue with the second sign is not so much the sign itself but the location of it. Mr. Staub agreed that was correct. Mr. Dowling seconded the motion, and a roll call vote followed: Mr. Staub-Aye; Mr. Dowling-Aye; Ms. Cate-Aye; and Mr. Sirb-Aye.

The hearing ended at 7:35 pm.

Respectfully Submitted,



Michelle Hiner
Recording Secretary

IN RE: : BEFORE THE LOWER PAXTON
: TOWNSHIP ZONING HEARING BOARD
APPLICATION OF : DAUPHIN COUNTY, PENNSYLVANIA
:
CORESTATES GROUP for : DOCKET NO. 1301
SHEETZ, INC. :

DECISION REGARDING APPLICATION FOR VARIANCE

The applicant seeks a variance from the size and location of canopy signs in connection with the redesign of a convenience store. A hearing on the application was held on November 3, 2011.

Facts

1. The applicant is CoreStates Group, Inc. as agent and contractor for Sheetz, Inc., property owner. The applicant was represented at the hearing by James Lally, Senior Project Architect.
2. The property in question is located on the northwest corner of Linglestown Road and Colonial Road and is improved with a convenience store with associated fuel islands. The parcel is zoned Commercial Neighborhood.
3. The applicant proposes two new canopy signs on the entrance canopy. Sign number one is a 51.46 square feet sign which displays the business name. Sign number two consists of the words "Fresh Made to Order." This sign, which consists of freestanding letters, would be erected on the top of the canopy and would be one foot tall.
4. Due to sight topography, the existing building sits in a low spot on the property which limits its visibility to oncoming traffic.
5. Notice of the hearing was posted and advertisement made as required by the ordinance.

6. No one other than the applicant's representatives appeared to testify either in favor of or against the proposed variance.

Conclusions

1. Section 714.A of the ordinance limits canopy signs to 25 square feet. The proposed sign number one would violate this section of the ordinance. Section 709.A of the ordinance prohibits signs on the roof of a structure. Proposed sign number two would violate this section of the ordinance.

2. Article 111.D.3 of the ordinance gives the Zoning Hearing Board the power to authorize, in specific cases, variances from the terms of the ordinance and its supplements as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary hardship. The ordinance further requires that the spirit of the ordinance shall be observed, public health, safety and general welfare shall be secured, substantial justice shall be done, and no appreciable diminution of the market value surrounding properties shall be caused by such variance.

3. The Board finds that as to sign number one, the property is burdened by a hardship consisting of the site's irregular topography which limits the visibility of the site. A canopy sign is reasonably necessary to allow ready identification of the building. As to sign number two, the Board finds that no hardship exists which would justify the requested variance. The sign merely represents the advertising of additional products and is not necessary to ensure identification of the business.

4. Granting the variance for sign number one will not alter the essential character of the neighborhood nor impair surrounding property values. The total sign

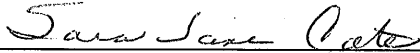
package for the site is within the limitations imposed by the ordinance and is proportionate to the site improvements.

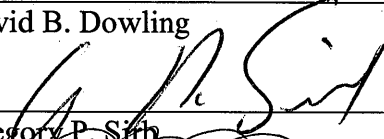
Decision

In view of the foregoing and having considered the plans and testimony submitted to the Board, it is the opinion of the Board that the variance for a 51.46 square feet sign should be and is hereby granted on the condition that wall signage on the site be limited to that shown on the plans submitted to the Board. The request for variance for sign number two should be and is hereby denied.

LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD

Date: _____


Sara Jane Cate

David B. Dowling

Gregory P. Sirb


Jeffrey W. Staub